

EXHIBIT 9

Decision and Order of October 23, 2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART IAS MOTION 48EFM

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LEONARD BLUM,

INDEX NO. 651721/2020

Petitioner,

MOTION DATE N/A

- v -

MOTION SEQ. NO. 001

WESTWOOD CAPITAL HOLDINGS, LLC and
WESTWOOD CAPITAL, LLC,

**DECISION + ORDER ON
MOTION**

Respondents.
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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 001) 6, 22, 23, 24, 25, 26

were read on this motion to/for CONFIRM/DISAPPROVE AWARD/REPORT

Upon the foregoing documents, it is

The petition brought pursuant to CPLR 7510 to confirm an arbitration award is granted. In an arbitration on January 22, 2020, petitioner was awarded \$234,500 against respondent Westwood Capital LLC (Capital) and \$532,732.49 against respondent Westwood Capital Holdings LLC (Holdings). (NYSCEF Doc. No. [NYSCEF] 2, Arbitration Award.) In respondents' answer, filed September 23, 2020, respondent Capital admitted to paying petitioner \$20,000 with an intent to pay the balance of the award against it. (NYSCEF 22, Answer ¶12.) Respondent Holdings admitted to owing the total amount of the arbitration award. (*Id.*) On September 11, 2020, amended September 15, 2020, the court granted petitioner's motion for permission to serve restraining notices and subpoenas. (NYSCEF 17, Decision; NYSCEF 19, Amended Decision.) Petitioner informs the court the subpoenas were served on September 15, 2020, but respondents have failed to respond. (NYSCEF 24, petitioner's 10/7/20 letter.) The court had stayed the restraining notices until September 14, 2020, giving the parties time to settle this matter. (NYSCEF 17, 18.) The parties agree that settlement has not been reached.

Since respondents answered without seeking to vacate or modify the arbitration award pursuant to CPLR 7511, the court is compelled to deny respondents' request to deduct \$20,000 from the arbitration award. However, respondents are not without a remedy as discussed below.

In its October 7, 2020 letter updating the court on settlement, petitioner asks the court to direct respondents to comply with the subpoenas that petitioner served with the

restraining notices. Respondents shall comply with the subpoenas within 5 days or petitioner may initiate a contempt proceeding which the court will entertain until the judgment is signed. Otherwise, petitioner is welcome to initiate an enforcement action. Respondent Capital may raise partial payment of \$20,000 in such proceeding.

Accordingly, it is

ADJUDGED that the petition is granted, and the award rendered in favor of petitioner and against respondents is confirmed; and it is further

ADJUDGED that petitioner Leonard Blum, having an address at _____, do recover from respondent Westwood Capital LLC, having an address at 489 Fifth Ave., New York, NY 10017, the amount of \$ 234,500, plus interest at the rate of 9% per annum from the date of January 22, 2020, as computed by the Clerk in the amount of \$ _____, together with costs and disbursements in the amount of \$ _____ as taxed by the Clerk, for the total amount of \$ _____, and that the petitioner have execution therefor; and it is further

ADJUDGED that petitioner Leonard Blum, having an address at _____, do recover from respondent Westwood Capital Holdings LLC, having an address at 489 Fifth Ave., New York, NY 10017, the amount of \$532,732.49, plus interest at the rate of 9% per annum from the date of January 22, 2020, as computed by the Clerk in the amount of \$ _____, together with costs and disbursements in the amount of \$ _____ as taxed by the Clerk, for the total amount of \$ _____, and that the petitioner have execution therefor; and it is further

ORDERED that respondents shall comply with the subpoenas within 5 days or petitioner may take appropriate action until the judgment is signed.

10/21/2020
DATE


ANDREA MASLEY, J.S.C.

CHECK ONE:

☒ CASE DISPOSED
☒ GRANTED ☐ DENIED
☐ SETTLE ORDER
☐ INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION

☐ GRANTED IN PART ☐ OTHER

☐ SUBMIT ORDER

☐ FIDUCIARY APPOINTMENT

☐ REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: